

## **II. REMARKS**

In response to the restriction requirement and request for a species election mailed June 29, 2006, Applicants first wish to thank the Examiner for her helpful suggestions in a call on December 5, 2006. In response, Applicants noted that rather than elect a single species of primer, a primer 'pair' would be preferred for the purpose of performing an amplification step. Thus, in response to the species election requirement, Applicants elect the primer pair of SEQ ID NO: 1 and 2, with traverse. Applicants further request that the Examiner search the following primer pairs that are optionally utilized to map CpG island DNA once the GSTP1 promoter is amplified by SEQ ID NOs: 1 and 2, as described in the specification on pages 37 and 42-43 for example; SEQ ID NOs: 7 and 8; 7 and 9; 10 and 11; and 12 and 13. Applicants submit that it would not place an undue burden on the Examiner to search these 5 primer pairs (in total).

MPEP 803 states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent and distinct inventions." MPEP 803.02 also provides that "[i]f the members of [a] Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they are directed to independent and distinct inventions."

Applicants respectfully submit that the claimed primer pairs, which are claimed in Markush format, present sufficiently few species that they can be readily evaluated together. Furthermore, the same GSTP1 promoter sequence is recognized by all of the primer pairs in limited regions. Given the common utility and structural features of the claimed primer pairs and the sequences to which they hybridize and the close relationship of the target sequence (GSTP1 promoter), a search of the species of the primer pairs, should include a search of art relevant to

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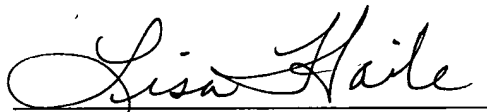
Attorney Docket No.: JHU1660-2

the other species. Applicants submit that such a search would not place an undue burden on the Examiner.

A check in the amount of \$1080.00 is enclosed to cover a Five Month Extension of Time. If any additional fee is due, the Commissioner is hereby authorized to charge fees required by this submission, or credit any overpayments, to Deposit Account No. 07-1896 referencing the above-identified docket number. A duplicate copy the Transmittal Sheet is enclosed.

Respectfully submitted,

Date: December 15, 2006



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